

NH Guardian ad Litem Board Members  
December 22, 2009

Thank-You for providing the time to allow me to present my training recommendations that I feel may improve the GAL program. I look forward to seeing positive change in training a board certified NH GAL receives as the result these recommendations. I appreciate being provided the meeting minute for the past 2 years. I have a few questions attached to this letter and look forward to a response.

Executive Director, NH Judicial Council Nina Gardner brought up a very interesting point. As I heard her, she stated that a GAL does not make decisions without due process. I stated that by the GAL filing an Ex Parte Motion to suspend parent child visitations, with only allegations and DCYF involvement, the GAL is taking an action absent due process.

Additionally, the ARK Supervised Visitation Center pamphlet states that referral are accepted from the courts, crisis centers, Guardian ad Litem, DCYF, social services agencies, lawyers as well as be individual self referrals. This service is not available to someone that has a non closed allegation against that person. One needs to be cleared of the allegation in order to be enrolled into this service. Huh??

As the GAL Board, please look into how a GAL can make a recommendation for an individual to only see the children in a supervised visitation center when the only way to be accepted into this service is to be cleared of the allegations that that the supervised visitation center is chartered to provide. Why is a GAL making a recommendation to use a supervised visit center once you have been cleared?

The supervised visitation center "project" is funded by Grant #2002CWBX0006. I was unable to locate public information on this topic, but was able to find information on federal money appropriated for by the GOVERNOR AND EXECUTIVE COUNCIL AGENDA dated Nov 29, 06 item #38 and the Temporary Assistance to Needy Families (TANF) report dated 2004.

Since GAL's are ordered by the court, and are following court orders, and report to the court, they should come under Article 8, Bill of Rights, NH Constitution, and be classified as "officials" of the government. Therefore, they should be subject to Petitions for Redress, as provided in Article 32. GAL's can be considered "officials" of the state, as they are under court orders, and report to the court. Therefore, a citizen's petition for redress can be filed against the individual. I believe this position holds true for other appointed officials. Another training recommendation may be to educate a GAL that the complaint process against them may actually be presented in parallel with the Petition for Redress process.

I trust the recommendations being made by a GAL to "enroll" someone into supervised visitation to have a relationship with their children (due to a frivolous concern created by a GAL) without due process or once cleared by the proper channels of all allegations, is truly for the best interest of the child. I look forward to

continued dialog and will be presenting these concerns, and others, to other available forums.

Respectively Submitted,  
Greg Brede  
Chesterfield, NH

Please provide a response to each of the following questions. Each question is the result of reviewing the GAL Board meeting minute notes over the past two years. The question corresponds to the minute's month and year and the question is focused on a topic presented in the minutes. Each question is numbered and underlined for clarity.

Feb 09 Public Session

2:00 Approved training for H Hastings established GAL Board has approved CE training

*#1 Will any of the Training Suggestions that I presented be considered or implemented in to the GAL training program?*

April 09 Public Session

1:15 GAL Board documented a complaint has been sent to the GAL Board

1:30 Fall Training being discussed. K Sterns advised that the video "Breaking The Silence; Children's Stories" would be shown for lawyers at the FP Law School.

After a very little internet research, I discovered the controversy that the primary individual in the video has encountered. In addition, newly revealed court findings, records and testimony show that Sadia Loeliger--portrayed as a heroic mom in the film--abused children under her care. In fact, a Tulare County Juvenile Court concluded in August of 1998 that Sadia Loeliger had committed multiple acts of abuse, and adjudged both her daughters as dependents of the Juvenile Court.

It may be consistent with objective accuracy to insure any information advised by a member of the GAL Board is being viewed at a Law School is not only objective, but unchallenged for validity.

*#2 Is the GAL Board aware of the controversy of this film and that the lead in this PBS video was convicted in three separate cases, of abusing her children and is being used as a Domestic Violence organization "capstone" film? Was this film shown at the FP Law School presented as Domestic Abuse or Parental Alienation or neutral?*

July 09 Public Session

2:30 Discussion of disciplinary hearing on M Dubreuil  
Planning Work Session -

Legislative study committee which heard many complaints about how GAL were working. That committee recommended the creation of an admin board to provide some degree of oversight to the GAL system. It was intentionally not made a part of the judicial branch, which did not want to continue the responsibility for responsibility to oversee GAL's in specific cases.

#3 Please provide information on who in the Judicial Branch opposed this. The wording appears that this oversight occurred at some time and then was suspended. Did Judicial oversight of the GAL system occur at some point? When? Who was responsible of the oversight?

#4 What are the results of the survey that ensures competence of GAL's. 1) Would the Judiciary have a vested interest to see that the Board has programs for the GALs? 2) Are Judges satisfied with the GALs? 3) What do judges look for in GALs?

#5 Is a GAL subject to Petitions for Redress, as provided in Article 32 since a GAL can be considered "officials" of the state, as they are under court orders, and report to the court.

Complaint process-

#6 Does the GAL Board see a correlation between the reduction of the number of GAL complaints and the \$100 filing fee to submit a complaint? If so please provide correlation.

Information and support for the public-

#7 Has the GAL Board considered having an active, current data base on the GAL website to allow the public to access complaints against a specific GAL? If not, why? This could allow individuals to enter complaints against a GAL by name or anomalously. This way action can be taken against a GAL even without the GAL knowing about the complaint. I just saw this happen to a guy in court. DCYF issued a finding of neglect directly to the GAL and she used it against him to require supervised visits without 1) him not even knowing about it and 2) no due process. It would only be fair to have this process work the other way also.

Internal Organization-

#8 Has the GAL Board ever considered to "adopt" an individual from the Public that has been "through the system" with one or more GAL's on the case to provide a "fresh" perspective of how the process really operates?

Sept 11, 2009 Public Session

3:30 K Stearns indicated there is a Domestic Violence (Abuse and Neglect) 3 hour meeting to be held in Dec 09.

#9 Where and when? Is Psychological Injury being included?

Feb 08 Public Meeting

Judge Kelly advised the Board the he expected the GAL Board to hire investigators to examine the veracity of complaints and that after the investigation, the complaints would be handled on a jurisdictional basis.

#10 Has this issue been addressed? Please provide procedures that insure this process is followed. Are you aware of what the Judicial Branch is doing with these complaints and how they are being handled? Has there been follow-up from the Judicial Branch on all complaints against a GAL?

#11 Does the GAL Board concur that since GAL's are ordered by the court, and are following court orders, and report to the court, they should come under Article 8, Bill of Rights, NH Constitution, and be classified as "officials" of the government. Therefore, they should be subject to Petitions for Redress, as provided in Article 32. GAL's can be considered "officials" of the state, as they are under court orders, and report to the court. Therefore, a citizen's petition for redress can be filed against the individual.

Complaints Sub-Committee Report

A few complaints were not in proper form or had not paid the filing fee of \$100. If the complaint did not involve a Board Certified GAL, the GAL office should send a letter to the complainant and return the case to the court.

#12 Can a non- board Certified GAL work on any case including allegations of DV or SA? What if the parent's simply don't agree to shared parenting and then supervised visits are required?

#13 Does the GAL Board deny a complaint due to improper format? In the event the \$100 filing fee is not submitted, is the complaint against a GAL by someone from the public then denied? Is this practice consistent with RICO laws? It appears that if you can't pay, you can't play.

S Duncan asked if we sic [GAL Board] asked for advice from the AG Office to cover this question [\$100 complaint filing fee] and Chair advised that Jill was doing research. AG office believed that if the Board oversees the Guardian's conduct, why does the Complainant have to pay?

#14 The GAL website currently required a \$100 fee to file a complaint against a GAL. (Please be aware that despite the meeting minutes do not reflect that the GAL board will not accept a complaint during an ongoing case). If the filing fee of \$100 is still required despite the GAL Board meeting minutes identifying that the AG questioned why the Complainant has to pay this fee, please provide supporting justification. Has the Board adopted the AG recommendation the GAL applying for certification “put up” this fee?

J Lightfoot believed that the Board should not make any decision on the matter until the AG report was received.

#15 Has this report from the AG been received? What are the results of the GAL Board being allowed to required a “pay to play” filing fee of \$100?

June 13, 08 Public Meeting

J Lightfoot inquired about the fee for frivolous complaints and the cost of the investigation.

(I know the feeling, \$80K and counting due to a frivolous complaint of SA during divorce custody and cleared. GAL is not abiding to court order to quickly expand the unsupervised visits; that was in Jan 09)

The GAL Board self limited sanctions against a Gal under 402.01 to \$1,500.

#16 What authority does the GAL Board have to self regulate itself for sanctions? What if the GAL has been paid \$3,000 or \$4,000 by both parties (\$6K to \$8K) and it is demonstrated that the GAL was in willful violation of any part of GAL 300 or 500? Does the GAL keep the remaining after the \$1,500 has been deducted?

The Board requests clarification on the issues of whether the education we offer is satisfactory and if we should [have] an exam after training.

#17 Is an exam given to a GAL applicant in order to receive Board Certification? If not, why not? Are clear Enabling Objectives identified in the training material? If not, why not? Are these Enabling Objectives tested on within the exam? If not, why not